

14.

A replication is good which alleges that the cause of action did occur within three years, etc., inasmuch as the defendant fraudulently kept the plaintiff in ignorance of such cause of action by fraudulently, etc., denying that it had been guilty of the acts alleged in said cause of action and that the facts did not come to the knowledge of the plaintiff until within three years before suit brought, although he used ordinary diligence to discover same. *Cumberland Glass Co. v. De Witt*, 120 Md. 389.

Where plaintiff's attorney has notice of facts which would have put an ordinarily prudent person on inquiry as to the validity of defendant's title to land, and no examination of the records or other inquiry is made, a mere statement by the defendant that he owned an outstanding title, could not be said to have fraudulently prevented an investigation, and this section does not apply. Meaning of words "ordinary diligence." Burden upon plaintiff. Case taken from jury. Purpose of this section. *Wilson v. Le Moyne*, 204 Fed. 730.